

IN THE COURT OF THE DISTRICT MUNSIF, ARAKKONAM,  
VELLORE DISTRICT.

PRESENT: Tmt.M.SHAKKIRA BANU, M.A.M.L., MHR., PGDHRM., PGDIPR., DLLAL

DISTRICT MUNSIF, ARAKKONAM

Tuesday, the 11<sup>th</sup> day of January 2022

O.S.No. 38/2021

[CNR No. TNVL0D0000252021]

1.D.Pandiarajan  
2.P.Babu

... Plaintiffs

/Vs./

1.V.Chokkalingam  
2.V.Sundaravathanam  
3.V.Revathi  
4.V.Kaveri  
5.R.Giridharan  
6.R.Umashankar  
7.R.Ravi

... Defendants

This Suit came up for hearing through Video Conferencing before me on 05.01.2022 in the presence of M/s.S.Nambirajan,A.Dineshkumar,R.Nakheeb Ghayaz, B.Krishnan, R.Rajesh and Parthipan, Counsels for the Plaintiffs and the defendants called absent and set ex parte and upon hearing plaintiffs counsel arguments and on perusal of entire case records having stood over for consideration till this day, this court has delivered the following:-

**JUDGMENT**

This suit is filed by the plaintiffs for permanent injunction restraining the defendants not to disturb the plaintiffs' peaceful possession and enjoyment of suit schedule premises with any manner, agents or servants or person acting under them except under due process of law and pass such further order or any order.

**1. Brief averments in the Plaint:-**

The plaintiff stated that the 1<sup>st</sup> plaintiff mother Valliyammal and one Muthammal are the sisters. Muthammal is w/o.Chandrappa Reddiya and D/o.Ellappa Reddiar and she was having property situated at Mosure Village, nanjai Patta No.836, Survey No.596/3, Arakkonam Taluk, Vellore District now comes under Ranipet District to an total extent of 40 cents and in square feet is 17440 Sq.ft. After demise of the foster mother Muthammal the plaintiffs are entitled and are absolute owner of the schedule mentioned property and maintained and enjoyed the property till date. The Muthammal and her husband Chandrappa Reddiar had no issues and Chandrappa Reddiar died at very young age. After the demise of Chandrappa Reddiar, the first plaintiff taken care of the foster mother Muthammal with food, shelter and maintained till her death. The plaintiffs submit that the grandfather of the 1st plaintiff Ellappa Reddiar and his wife Kanniammal had two sons namely Krishna Reddiar and Thulukkanam Reddiar and five daughters namely Chandramma, Muniammal, Muthammal, Kanagammal and S.Valliammal. The said Krishna Reddiar already settled in Malaysia and Thulukkanam Reddiar is having two sons namely Vasudevan and Ramalingam. The defendants 1 to 4 are sons and daughters of Vasudevan and defendants 5 to 7 are sons of Ramalingam. The said Muthammal was died on 16.05.1997. Till her death the first plaintiff maintained the said Muthammal. Based on care on protection of the 1st plaintiff, Muthammal executed a Will in favour of the 1st plaintiff. Later on the defendants stolen the Will. The will was attested and witnessed by one postmaster of Mosur Village M.D.Sreenivasa Iyer who is alive and knows entire property details. Suppressing the Will, part of property was sold by defendants in the year 2015 without clean documents approximately 6 cents out of 40 cents remaining 5 cents i.e., 2260 Sq.ft. and 210 square meter, kept in the custody of plaintiff out of 40 cents and balance of 29 cents is not known by plaintiff and the

defendants. The 1st plaintiff maintained the schedule mentioned property for the past 50 years. But unfortunately the defendants claim over the property without having any right over the property. On 13.03.2006 the first plaintiff executed a settlement deed in favour of 2nd plaintiff who is son of 1st plaintiff and registered as Document No.391/2006.to an extent of 2070 Sq.ft. The 2nd plaintiff executed a Settlement deed in favour of his own brother Udhayakumar physically challenged and without vision eyesight on 24.08.2016 the same was registered at office of the Sub-Registrar, Arakkonam Document No.4398/2016 dated 24.08.2016 to an extent of 900 Sq.ft. out of 2070 Sq.ft. The defendants filed a declaration suit to declare as legal heirs of deceased Muthammal in O.S.No.117/2015 before the District Munsif Court, Arakkonam. The suit was filed against Tahsildar, Arakkonam. The plaintiffs are not party to the said suit. The defendants suppressed the original fact of the case and approached this court by the way of fraudulent method. The 2nd defendant filed a caveat petition before the District Court, Arakkonam in C.O.P.No.5/2021 and the plaintiffs received a Notice from the Caveator and came to know that the defendants entered into a fraudulent method and sold 6 ½ cents of land out of 40 cents land without proper document. The plaintiffs submit that after the demise of the said Muthammal, the property is maintained by the plaintiffs and the first plaintiff paid all the taxes including property tax, Electricity charges, regularly and also the FMB, Patta in the name of Pandiarajan. After the Settlement deed executed by the 1st plaintiff in favour of the 2nd plaintiff, the patta was transferred to the name of the 2nd plaintiff for only 2070 sq.ft. and several time the defendants tried to occupy the suit schedule property from 2015 onwards for filing false cases and lodging false allegations and claiming the property. Hence the plaintiffs decided to construct the building in respect of the suit scheduled property and constructed building. But the defendants tried to take possession by way of handling illegal methods. Hence this suit for permanent injunction.

2. Though sufficient opportunity was given, the defendants failed to file written statement and were hence set exparte on 25.11.2021.

**3. Point for determination:-**

Whether the plaintiff is entitled to the relief of permanent injunction as prayed for?

On the side of the plaintiffs, the 1<sup>st</sup> plaintiff was examined as PW1 and Ex.A1 to Ex.A17 were marked.

4. Heard the plaintiff Counsel. Perused the records. Though sufficient opportunity was given, the defendant failed to file written statement and were hence set exparte. On the side of the plaintiff, the 1<sup>st</sup> plaintiff was examined as PW1 and Ex.A1 to Ex.A17 were marked on the side of the plaintiffs. On perusal of documents marked, it could be seen that Ex.A1 is the Copy of the Death certificate of Muthammal. Ex.A2 is the copy of the property tax receipt in the name of 1st plaintiff. Ex.A3 is the copy of the Family card of the plaintiff. Ex.A4 is the copy of the FMB and Patta No.320 in the name of 1st plaintiff. Ex.A5 is Certified copy of Registered Settlement deed executed by 1st plaintiff in favour of 2nd plaintiff wherein 2070 Sq.ft. vacant land was settled. Ex.A6 copy of the VAO certificate in favour of 2nd plaintiff. Ex.A7 copy of complaint to Tahsildar, Arakkonam along with Mortgage Receipt dated 11.02.1986 and 23.05.1990. Ex.A8 copy of the Gas Book and Receipt in the name of 1st plaintiff. Ex.A9 copy of complaint to CM Special Cell along with acknowledgment card. Ex.A10 is the Certified copy of the Settlement Deed in favour of Udhayakumar by 2nd defendant. Ex.A11 copy of the complaint to Tahsildar, Arakkonam regarding issuing legal heir certificate. Ex.A12. Online copy of Judgment in OS.No.117/2015 dated 14.08.2019. Ex.A13 copy of the E.B. Card in the name of 2nd plaintiff. Ex.A14

copy of the Aadhar card of the 1st plaintiff. Ex.A15 copy of the Aadhar card of the 2nd plaintiff. Ex.A16 certified copy of the Caveat Petition and summons in the name of the plaintiffs. Ex.A17 Original Photo copy of the property The documents marked by the plaintiffs prove that they are in possession of the schedule mentioned property and they have also raised complaint before the Tahsidlar, Arakkonam regarding grant of patta and legal heir certificate. The defendants though have entered appearance through counsel, have not contested the case and remained exparte and evidence of PW1 remains unchallenged. Hence this court comes to the conclusion that based on the evidence of plaintiff side and documents marked, the plaintiff is entitled for relief sought for in the suit.

In the result, suit is decreed by granting permanent injunction restraining the defendants, agents or servants not to disturb the plaintiffs peaceful possession and enjoyment of suit schedule property with any manner, except under due process of law. Considering the nature and circumstance of the case there shall be no order as to Cost.

Dictated to the steno-typist, corrected and pronounced by me in open Court on this the 11<sup>th</sup> day of January 2022.

**District Munsif,  
Arakkonam.**

**Plaintiff side witnesses:-**

1. PW1 – C.Mohan [Plaintiff ]

**Plaintiff side Exhibits:-**

01	16.05.1977	Copy of Death Certificate of Muthammal.
02.	1985-2016	Copy of Property Tax Receipt in the name of 1st plaintiff.
03.	1993-2017	Copy of Family Card of the plaintiff.
04.	29.09.1995	FMB and Patta in the name of 1st plaintiff.
05.	13.03.2006	Copy of Settlement deed by 1st plaintiff in favour of 2nd plaintiff.
06.	28.03.2011	Copy of VAO Certificate in favour of 2nd plaintiff.
07.	29.04.2014	Copy of 1st plaintiff complaint to Tahsildar, Arakkonam along with mortgage Receipt 11.02.1990 and 23.05.1986
08.	09.1.2.2014	Copy of Gas Book and Receipt in the name of 1st plaintiff.
09.	08.06.2015	Copy of 1st plaintiff complaint to CM Special Cell along with acknowledgment card.
10.	24.08.2016	Copy of Settlement deed in favour of Udhayakumar by 2nd defendant.
11.	24.05.2018	Copy of Complaint to Tahsildar, Arakkonam along with Acknowledgment. Due by 1st plaintiff.
12.	14.08.2019	Online copy from ecourts Order copy in O.S.No.117/2015.
13.		Copy of E.B.Card in the name of 2nd plaintiff.
14.		Copy of Aadhar car of the 1st plaintiff.
15.		Copy of Aadhar car of the 2nd plaintiff.
16.	22.01.2021	Copy of Caveat Petition and summons in the name of plaintiffs.
17.		Photo copy of the property - Original

**Defendants side witness and Exhibits - NIL-**

**District Munsif,  
Arakkonam.**